

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, July 27, 2006

+ [Back](#) [Print](#)

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 133

Subject: C14-06-0077 - Braker Pointe Whole Foods Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701 North MoPac Expressway (Little Walnut Creek Watershed) from limited industrial services-planned development area (LI-PDA) combining district zoning to limited industrial services-planned development area (LI-PDA) combining district zoning to change a condition of zoning. Applicant: Braker Pointe Joint Venture (David Vitanza). Agent: Alice Glasco Consulting (Alice K. Glasco). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

- [Staff Report](#)
- [Ordinance](#)

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0077**P. C. DATE:** June 13, 2006**ADDRESS:** 10701 North MoPac Expressway**OWNER:** Braker Pointe Joint Venture
(David Vitanza)**AGENT:** Alice Glasco Consulting
(Alice K. Glasco)**REZONING FROM:** LI-PDA (Limited industrial services – planned development area)**TO:** LI-PDA (Limited industrial services – planned development area) combining district**AREA:** 4.332 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***June 13, 2006:****APPROVED STAFF'S RECOMMENDATION FOR LI-PDA ZONING; BY CONSENT.
[J.REDDY, K.JACKSON 2ND] (8-0) C.GALINDO – ABSENT*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from LI-PDA to LI-PDA in order to allow a food sales use. The rezoning will address a land use change in the existing site plan. The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The proposed use is compatible with adjacent mixed uses;
- 3.) A significant reduction in height, building coverage and Floor to Area (FAR) ratio is proposed; and
- 4.) All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 4.332 acre site at the north east intersection of MoPac Expressway and Braker Lane LI-PDA. The property is undeveloped and was rezoned from LI-PDA to LI-PDA on November 30, 2000 under Ordinance No. 001130-97 (Please see Attachment A). Under "Part C" of the ordinance, the development of Tract One, the subject property, shall conform to the site development standards in attached ordinance exhibit. The applicant proposes to replace the proposed hotel contained in the existing exhibit with a grocery store (food sales). The change to the site plan will replace the existing exhibit. All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place with the exception of the above land uses.

The proposed site plan addresses the following changes (Please see Attachment B):

	Existing plan:	Proposed plan:
Land use	Hotel	Grocery store
No. of stories	10	1
Building sq. ft.	26,000	150,000*
Total building sq. ft.	201,000	69,000
Building height	117 feet	30 feet
Parking ratio	-	1 per 275
Parking required	379	251
FAR	1:01	0.41:1
Building coverage	75%	21%

* Includes 81,000 sq. ft. of upper deck parking

Under the same ordinance, a portion of the site to the north was designated historic for the preservation of the Rogers Homestead.

Access to the site is proposed via two existing driveways on MoPac and Braker Lane and one proposed driveway off Braker Lane.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-PDA	Undeveloped land
<i>North</i>	LI-PDA	Mixed uses / hotel / offices
<i>South</i>	CH	Self storage
<i>East</i>	N/A / MI-PDA	Missouri Pacific RR/ Undeveloped land / Mixed uses
<i>West</i>	N/A	MoPac Expressway

NEIGHBORHOOD PLAN:

North Burnet / Gateway

TIA: Deferred; See Transportation comments

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

- 64--River Oaks Lakes Estates Neighborhood
- 480--Scofield Farms Residents Assn.
- 511--Austin Neighborhoods Council
- 742--Austin Independent School District.

SCHOOLS:

- Austin Independent School District
 - Davis Elementary School
 - Murchison Middle School
 - Anderson High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-00-2177	LI-PDA to LI-PDA and LI-PDA-H	10/23/00: HLC: APVD H ZONING (6-0) BASED ON 1, 2-3, 5-9 & 12 10/24/00: APVD STAFF REC OF LI-PDA (1); LI-PDA-H (2) BY CONSENT (9-0)	10/30/00: APVD LI-PDA (1) & LI-PDA-H (2); (7-0); ALL 3 RDGS

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0016	MI to MI-PDA	06/11/03: APVD STAFF REC OF MI-PDA (8-0)	07/31/03: APVD MI-PDA (7-0); ALL 3 RDGS
C14-04-0146	P to CH	11/09/04: APVD STAFF ALT REC OF CH W/CONDS (8-0). Conditions: TIA	12/02/04: APVD CH (7-0); ALL 3 RDGS
C14-04-0151	MI-PDA to MI-PDA	11/23/04: APVD STAFF REC INCL 5 CONDS IN WPDR MEMO OF 11-16-04 (7-0)	12/16/04: APVD MI-PDA (7-0); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MoPac	Varies	Varies	Major Arterial	Yes	No	No
Braker Lane	Varies	2 @ 33'	Major Arterial	No	Yes	Yes

CITY COUNCIL DATE:

July 27, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

85-244.4RC

MI-PDA

IP

BP97-0231C
GP-05-0485C
03-0123

BP05-0305C

MO-PAC EXPRESSWAY NORTH

B4-405

LI

LI

GP-05-0602CF

85-244.11R.C.

LI

GP-09-2027C

BP-07-0448C

BP04-0335C

BP04-0335C

85-244.4RC

C14H-00-2177

C14H-00-2177

LI-PDA-H

LI-PDA

BP04-0335C

SP04-00863
SP04-00863C

85-244.5RC

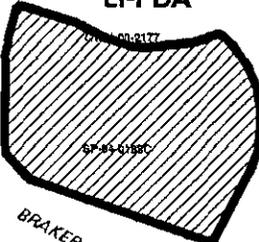
GP00-0181C

LI-PDA

04-151

MI-PDA

03-0016



03-0177

BP-05-0188C

BRAKER LANE

IP

MO-PAC EXPRESSWAY NORTH

BP-06-0045C

04-0146

CH

85-244

MI

MI

BRAKER LANE

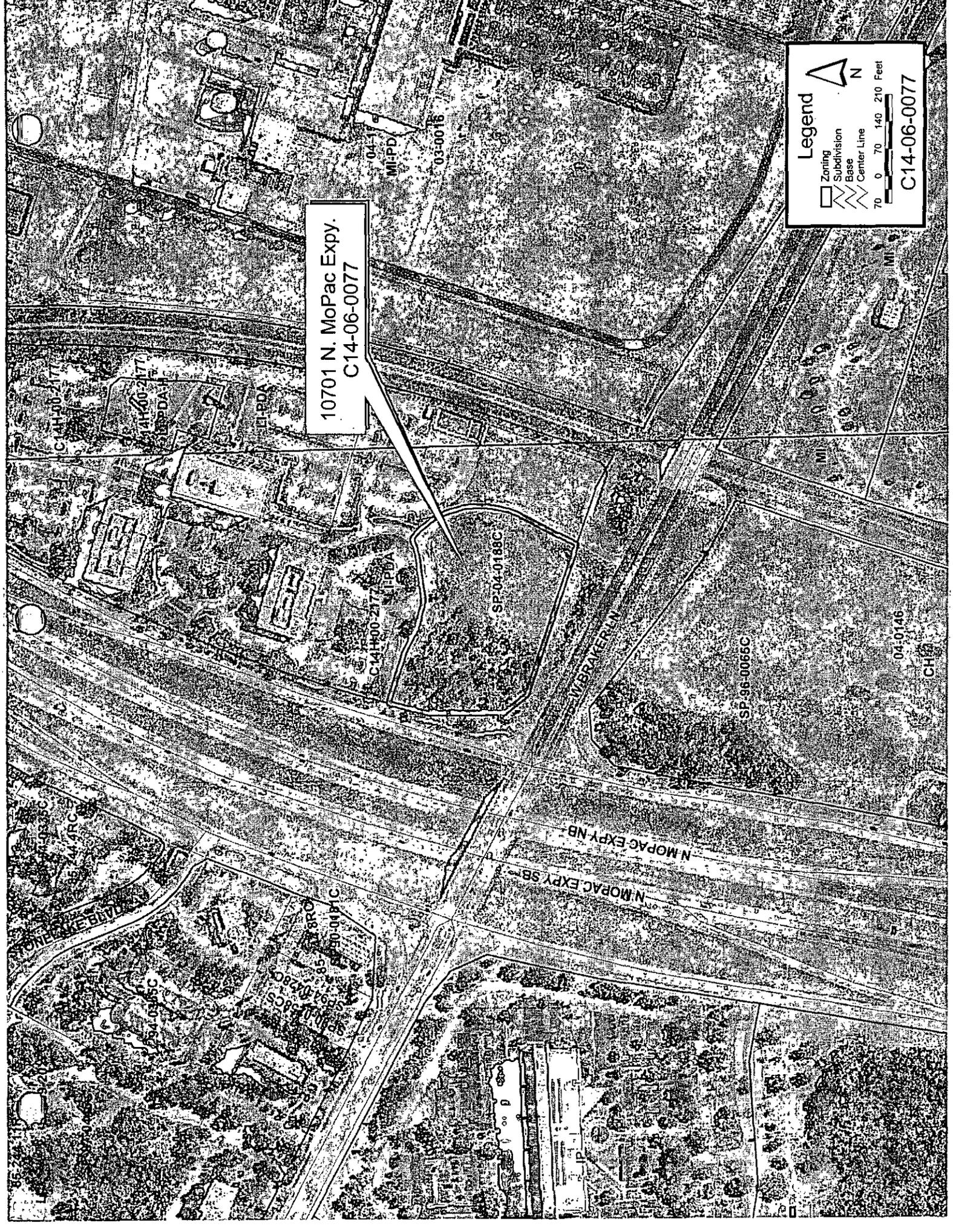
MISSOURI PACIFIC RAILROAD

75-127

P

R284

 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-06-0077 ADDRESS: 10701 N MOPAC EXPY SUBJECT AREA (acres): 4.332	DATE: 06-04 INTLS: SM	CITY GRID REFERENCE NUMBER J33
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: J. ROUSSELIN			



10701 N. MoPac Expy.
C14-06-0077

Legend

- Zoning
- Subdivision
- Base
- Center Line

70 0 70 140 210 Feet

C14-06-0077

MI-PD
03-0016

SP-04-0188C

N MOPAC EXPY NB

N MOPAC EXPY SB

SP-96-0065C

04-0146

CH

C14H00-2177

C14H00-2177

SEI-PDA

C14H00-2177

MI-PD
03-0016

SP-96-0065C

SP-04-0188C
03-0016

MI-PD

in order to allow a road side use.

STAFF RECOMMENDATION

Staff recommends the rezoning from LI-PDA to LI-PDA. The rezoning will address a land use change in the existing site plan. The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The proposed use is compatible with adjacent mixed uses;
- 3.) A significant reduction in height, building coverage and Floor to Area (FAR) ratio is proposed; and
- 4.) All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place.

BASIS FOR RECOMMENDATION

- 1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The purpose of a planned development area (PDA) combining district is to:

- (1) provide for industrial and commercial uses in certain commercial and industrial base districts; or*
- (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development area agreement.*

The proposed rezoning meets the purpose statement of the district sought as the proposed change will provide commercial uses to an industrial based zone.

- 2. *Zoning changes should promote compatibility with adjacent and nearby.*

Existing uses adjacent to the subject property are mixed uses and commercial uses. The proposed change will be in compatible as it will integrate itself to the surrounding land uses.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 4.332 acre site at the north east intersection of MoPac Expressway and Braker Lane LI-PDA. The property is undeveloped and was rezoned from LI-PDA to LI-PDA on November 30, 2000 under Ordinance No. 001130-97 (Please see Attachment A). Under "Part C" of the ordinance, the development of Tract One, the subject property, shall conform to the site development standards in attached ordinance exhibit. Under the same ordinance, a portion of the site to the north was designated historic for the preservation of the Rogers Homestead. Access to the site is proposed via two existing driveways on MoPac and Braker Lane and one proposed driveway off Braker Lane.

Transportation

- 1. No additional right-of-way is needed at this time.
- 2. The proposed 65,000sf grocery store will generate approximately 5,743 vehicle trips per day.
- 3. The traffic impact analysis for this site has been deferred to the site plan process because the Gateway Area Study is currently underway which may identify improvements to the roadway

network to which this site could contribute. A TIA waiver may be considered at the time of site plan if improvements have been identified.

Environmental

1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility adjustments.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

Site Plan

1. This site is not subject to compatibility standards.

ORDINANCE NO. 001130-97

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

TWO TRACTS OF LAND OUT OF LOTS 1, 2, AND 3, BLOCK A, BRAKER POINTE SUBDIVISION, FROM LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT FOR TRACT ONE AND LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA-HISTORIC (LI-PDA-H) COMBINING DISTRICT FOR TRACT TWO GENERALLY KNOWN AS THE EDWARD H. ROGERS HOMESTEAD, LOCALLY KNOWN AS 10701, 10801, AND 11101 MO-PAC EXPRESSWAY NORTH, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in File C14H-00-2177, as follows:

Tract One: From limited industrial services-planned development area (LI-PDA) combining district to limited industrial services-planned development area (LI-PDA) combining district.

Lots 1, 2, and 3, Block A, Braker Pointe Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 101, Pages 326-327, of the Plat Records of Travis County, Texas, SAVE AND EXCEPT the property described below as Tract Two; and

Tract Two: From limited industrial services-planned development area (LI-PDA) combining district to limited industrial services-planned development area-historic (LI-PDA-H) combining district.

0.995 acre tract of land out of Lot 3, Block A, Braker Pointe Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

Tract Two generally known as the Edward H. Rogers Homestead, and the Property locally known as 10701, 10801 and 11101 Mo-Pac Expressway North, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Development of Tract One shall conform to the site development standards in Exhibit "C" attached to this ordinance.

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

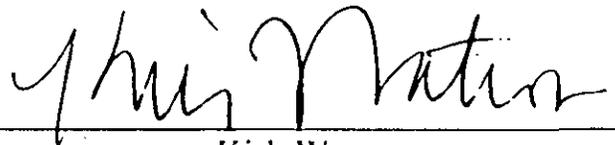
PART 4. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 5. This ordinance takes effect on December 11, 2000.

PASSED AND APPROVED

November 30, 2000

§
§
§



Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

0.995 ACRES
BRAKER POINTE
HISTORICAL ZONING TRACT

FN NO. 00-379(MM)
October 20, 2000
BPI NO. 772-02.00

DESCRIPTION

OF A 0.995 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, BLOCK "A", BRAKER POINTE SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 101, PAGE 325 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.995 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod found at the intersection of the northerly right-of-way line of Braker Lane (R.O.W. varies) with the westerly right-of-way line of the Missouri Pacific Railroad, being the southeasterly corner of Lot 2, Block "A" of said Braker Pointe Subdivision;

THENCE, leaving the northerly line of Braker Lane, along the westerly line of said Missouri Pacific Railroad right-of-way, being in part the easterly line of said Lot 2 and said Lot 3, Block A", the following two (2) courses and distances:

- 1) N20°22'35"E, a distance of 365.03 feet to a 1/2 inch iron rod found at the point of curvature of a curve to the left;
- 2) Along said curve to the left having a radius of 3754.86 feet, a central angle of 10°21'39", an arc distance of 678.99 feet and a chord which bears N15°12'57"E, a distance of 678.07 feet to the end of said curve;

THENCE, N79°57'53"W, leaving the westerly line of said Missouri Pacific Railroad right-of-way, over and across said Lot 3, a distance of 76.90 feet to the **POINT OF BEGINNING** and southeasterly corner hereof;

THENCE, continuing over and across said Lot 3, along the southerly, westerly, northerly and easterly lines hereof, the following ten (10) courses and distances:

- 1) N71°05'21"W, a distance of 145.06 feet to the southwesterly corner hereof, from which a 1/2 inch iron rod found in the northerly line of Braker Lane, same being the southerly line of said Lot 2, bears S10°15'54"W, a distance of 1022.04 feet;
- 2) N18°54'40"E, a distance of 85.00 feet to an angle point;
- 3) N71°05'20"W, a distance of 55.00 feet to an angle point, from which a TxDOT brass disc in concrete found in the northerly line of Braker Lane, same being the southerly line of Lot 1, of said Braker Pointe Subdivision bears S36°53'18"W, a distance of 1130.36 feet;

EXHIBIT A

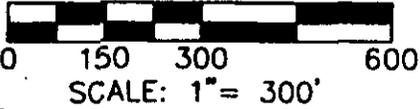
- 4) N18°54'40"E, a distance of 188.64 feet to the northwesterly corner hereof, from which a TxDOT brass disc in concrete found at the intersection of the easterly right-of-way line of Mopac Expressway North (Loop 1) (R.O.W. varies), with the westerly line of the Missouri Pacific Railroad right-of-way, being the northernmost corner of Lot 4, Block "A" of said Braker Pointe Subdivision bears N11°56'01"E, a distance of 978.07 feet;
- 5) S71°42'36"E, a distance of 48.93 feet to an angle point;
- 6) S78°10'44"E, a distance of 70.50 feet to the northeasterly corner hereof;
- 7) S35°40'40"E, a distance of 33.47 feet to an angle point;
- 8) S07°25'57"W, a distance of 103.63 feet to an angle point;
- 9) S03°06'00"W, a distance of 97.15 feet to an angle point;
- 10) S13°14'20"W, a distance of 68.79 feet to the **POINT OF BEGINNING**, containing an area of 0.995 acres (43,333 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

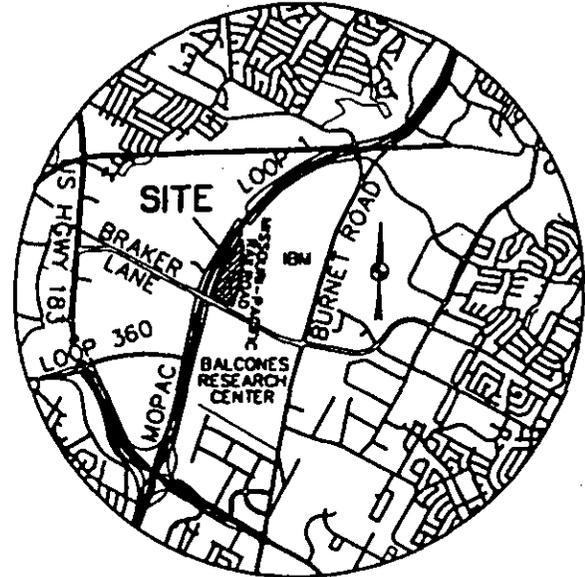
Mark J. Jezisek 10/20/00
MARK J. JEZISEK DATE
NO. 5267
STATE OF TEXAS





LEGEND

- TxDOT HWY. MONUMENT BRASS DISC FOUND
- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



VICINITY MAP
N.T.S.

234.762 ACRES
JER AUSTIN TECH, L.P.
DOCUMENT NO. 1999161226

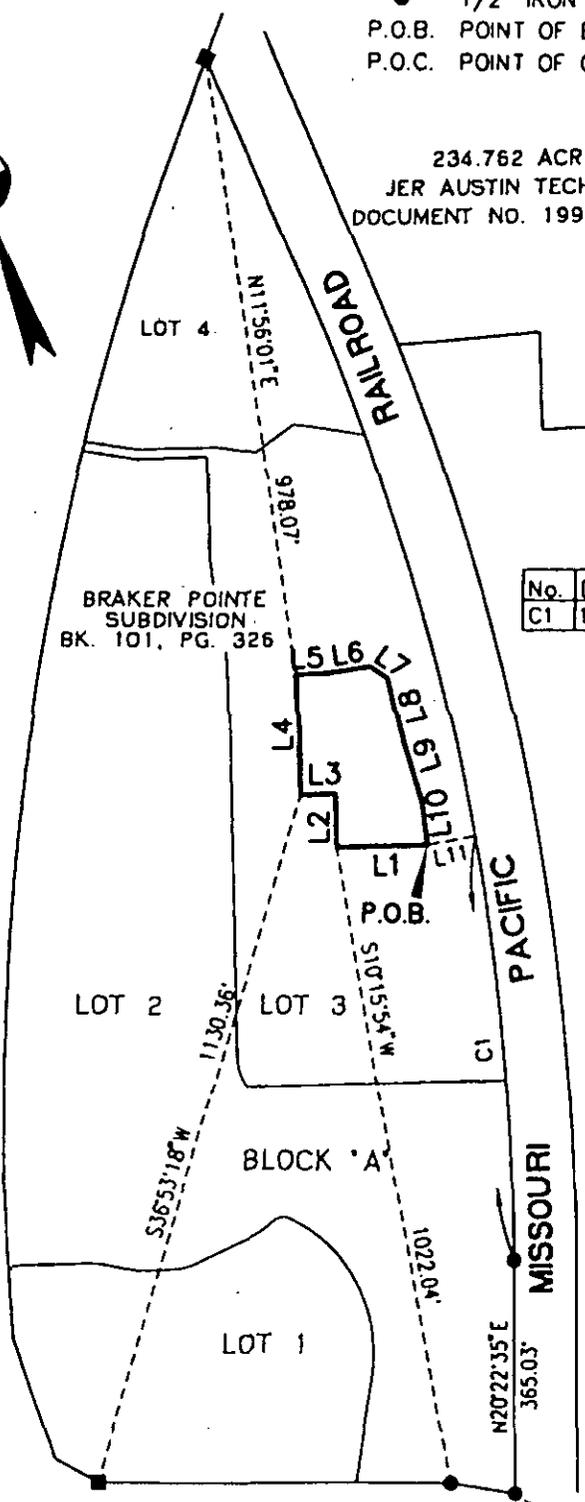
CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	10°21'39"	3754.86	678.99	678.07	N15°12'57"E

LINE TABLE

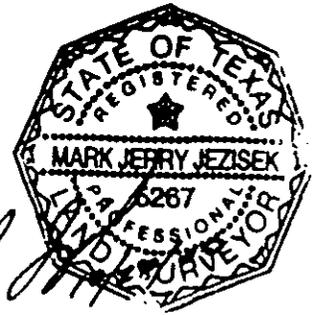
No.	Bearing	Distance
L1	N71°05'21"W	145.06'
L2	N18°54'40"E	85.00'
L3	N71°05'20"W	55.00'
L4	N18°54'40"E	188.64'
L5	S71°42'36"E	48.93'
L6	S78°10'44"E	70.50'
L7	S35°40'40"E	33.47'
L8	S07°25'57"W	103.63'
L9	S03°06'00"W	97.15'
L10	S13°14'20"W	68.79'
L11	N79°57'53"W	76.90'

MOPAC EXPRESSWAY NORTH
(LOOP 1)
(R.O.W. VARIES)



PACIFIC
MISSOURI

70.494 ACRES
MULTILAYER TEK L.P.
VOL. 13200, PG. 157



Mark Jerry Jezisek

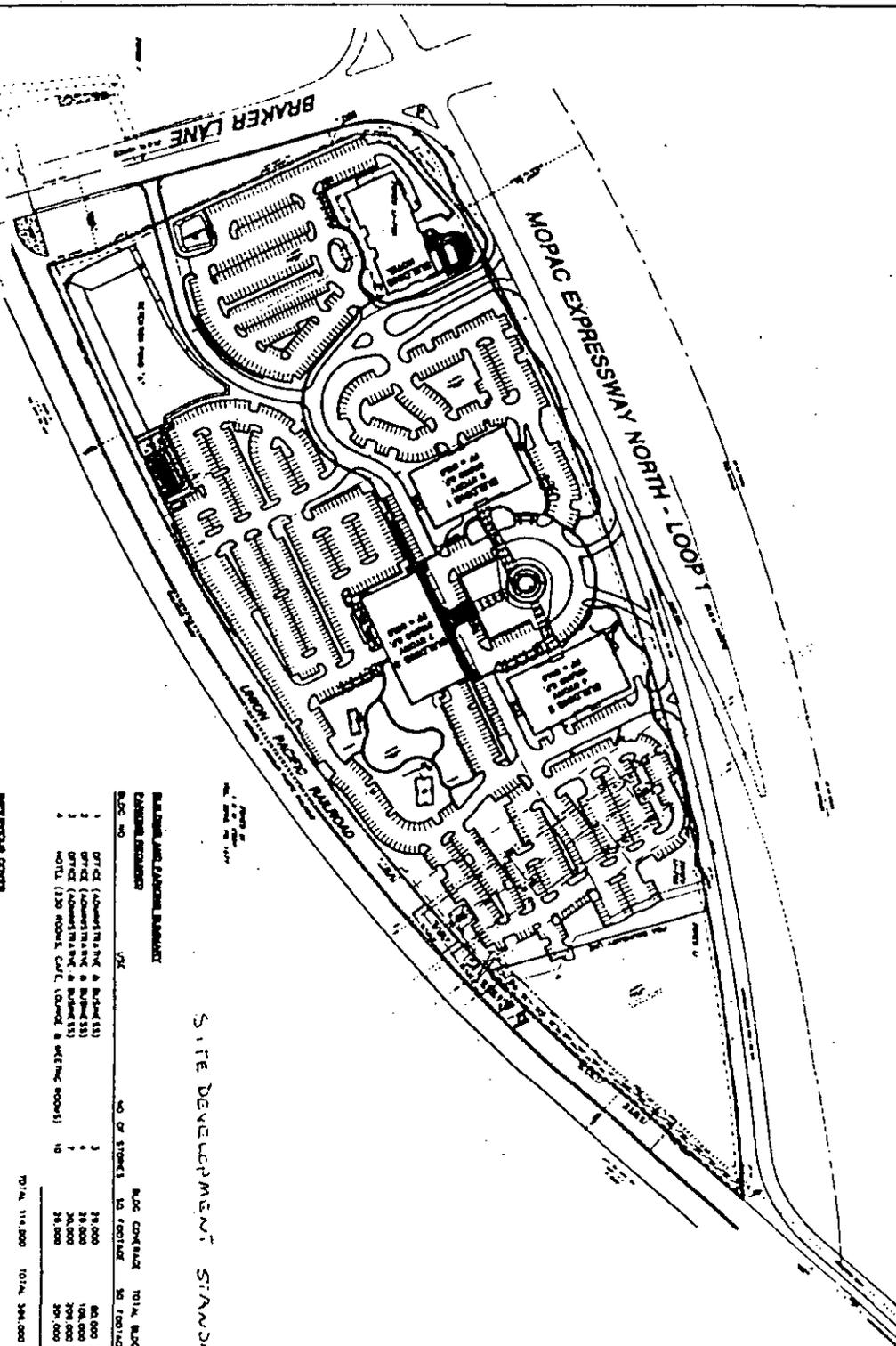
BRAKER LANE
(R.O.W. VARIES) P.O.C.

SKETCH TO ACCOMPANY DESCRIPTION

OF A 0.995 ACRE TRACT OF LAND BEING A PORTION OF LOT 3, BLOCK "A" BRAKER POINTE SUBDIVISION, OF RECORD IN BOOK 101, PAGE 326 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

CARR AMERICA REALTY CORP.

Bury+Partners, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/222-0811 Fax 512/222-0225
© Copyright 1999 Bury+Partners, Inc.

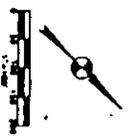


SITE DEVELOPMENT STANDARDS

NO.	DESCRIPTION	AREA	NO. OF STORIES	BLDG. COVERAGE	TOTAL BLDG. COVERAGE	BLDG. AREA	BLDG. AREA (SQ. FT.)	PARKING SPACES	REQUIREMENTS
1	OFFICE (Adm. Training & Billing)	25,000	3	80,000	105,000	34	1,300	317	
2	OFFICE (Adm. Training & Billing)	25,000	3	75,000	100,000	32	1,200	303	
3	OFFICE (Adm. Training & Billing)	20,000	2	60,000	80,000	27	1,000	257	
4	HOTEL (20 ROOMS, CONF. ROOMS & MEETING ROOMS)	28,000	10	280,000	308,000	113	4,500	318	
TOTAL		118,000		343,000	393,000	206	8,000	1,205	

TOTAL AREA OF LOTS
 TOTAL = 28,437 AC. ± (1,502,248,333 SF)

PREPARED BY: BARRY J. MOYER & ASSOCIATES
 11111 W. 10TH AVENUE, SUITE 100, DENVER, CO 80231
 THIS SHEET IS PART OF A SET OF SHEETS FOR THE PROJECT.



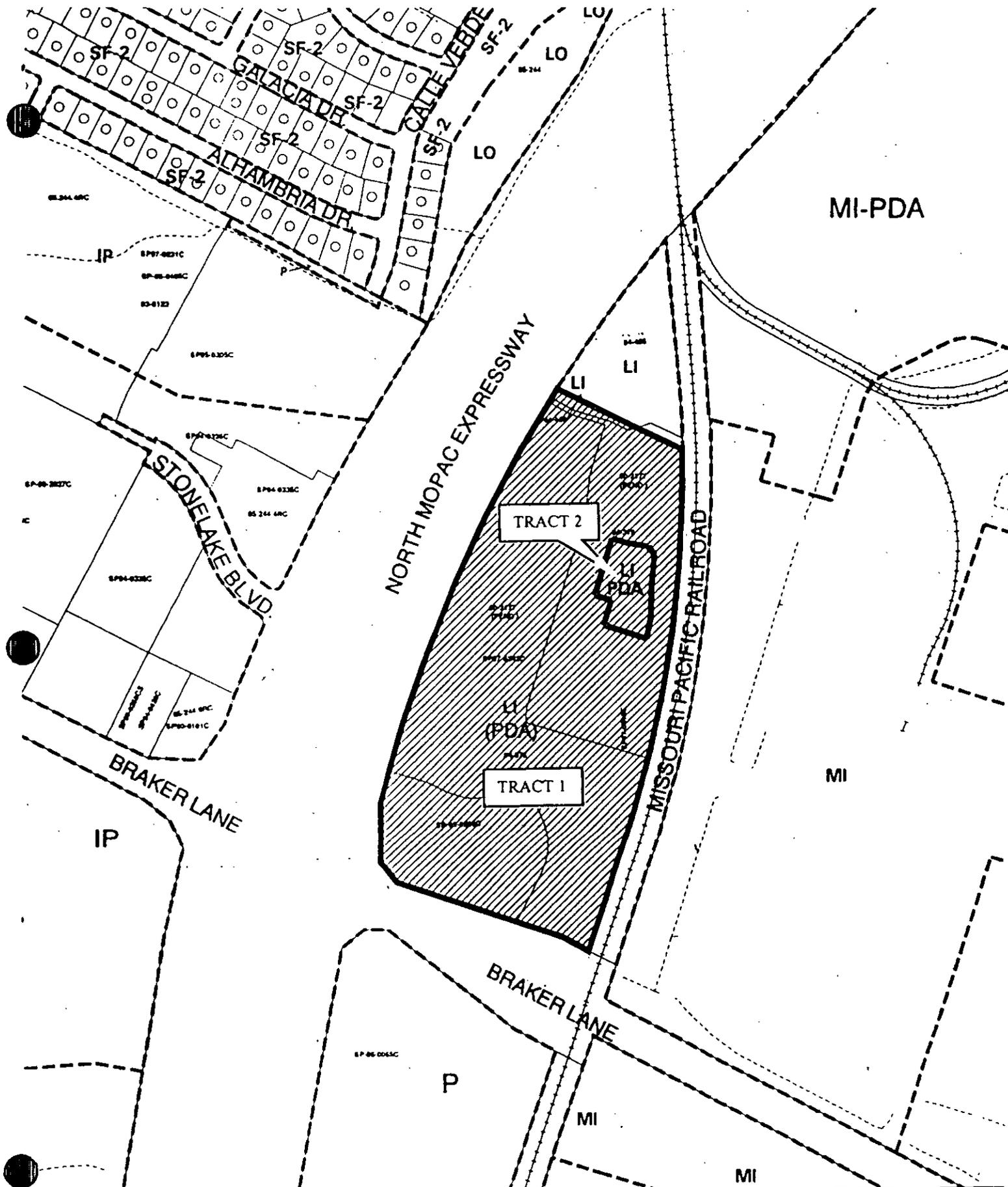
11/13/97

PROJECT NO.	77-02-01
DATE	11/13/97
SCALE	AS SHOWN
DESIGNED BY	BARRY J. MOYER
CHECKED BY	BARRY J. MOYER
DATE	11/13/97
PROJECT NO.	77-02-01

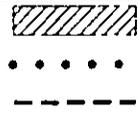
BRAKER POINT
MOPAC AT BRAKER LANE
CARRAMERICA REALTY CORPORATION

EXHIBIT C

Bury Partners
 Consulting Engineers and Architects
 11111 W. 10TH AVENUE, SUITE 100, DENVER, CO 80231



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: A. BEAUDET



HISTORIC ZONING *EXHIBIT B*
 CASE #: C14H-00-2177
 ADDRESS: 10701-10801-11101
 N MOPAC EXPWY

DATE: 00-11

CITY GRID
 REFERENC
 NUMBER
 J33,K33

Bro. Carroll & Oaks Hartline, P.C.

ATTORNEYS AT LAW

111 Congress Avenue, Suite 1400, Austin, TX 78701-4043

Phone 512-472-5456 • Fax 512-479-1101

August 30, 2000

Writer's Direct Number:

(512) 479-9710

VIA HAND DELIVERY

Alice Glasco, Director
Development Review & Inspection Department
505 Barton Springs Rd., 5th Floor
Austin, TX 78704

RE: Braker Pointe Zoning Application

Dear Alice:

In 1985 this tract was zoned LI-PDA by Ordinance No. 850912-R which was amended, also in 1985, by Ordinance No. 850926-P. These 1985 ordinances provided a conceptual site plan designated as Exhibit A and provided that a detailed site plan would be approved by the City Council. A copy of these 1985 ordinances are attached to this letter. The zoning case number was C14-84-376. The 1985 conceptual site plan provided for the following development which included 17 structures:

Land Uses	Building Square Footage	Height	Stories
Office #1	36,000	36'	3 stories
Office #2	60,000	48'	4 stories
Office #3	36,000	36'	3 stories
Office #4	72,000	48'	4 stories
Office #5	160,000	108'	9 stories
Office #6	72,000	48'	4 stories
Office #7	24,000	24'	2 stories
Office #8	86,000	48'	4 stories
Office #9	86,000	48'	4 stories
Total Office	632,000 sq. ft.		
Retail	20,000	12'	1 story
Retail	8,000	36'	3 stories
Restaurant	6,000	36'	3 stories
Parking Garage		24'	2 stories
Parking Garage		24'	2 stories
Parking Garage		48'	4 stories
Parking Garage		24'	2 stories
Parking Garage		24'	2 stories
Total Buildings	666,000 sq. ft.		

In 1998 the 1985 LI-PDA ordinances were amended by Ordinance 980709-I which (1) approved a new development plan for the property, which plan was attached to the ordinance as Exhibit C and (2) provided that site plans for the development of the property will be administratively processed in accordance with the site plan review procedures set forth in Section 13-1-600 of the Land Development Code. The 1998 file had the same case number as the 1985 file, C14-84-376. The new development plan approved by Ordinance No. 980709 and which reduced the number of structures from 17 to 4 was as follows:

Land Uses	Building Square Footage	Height	Stories
Office #1	105,000	64'	4 stories
Office #2	80,000	50'	3 stories
Office #3	210,000	127'	8 stories
Hotel (180 rooms)	103,000	70'	7 stories
Total	498,000 sq. ft.		

A copy of Ordinance No. 980709-I is attached to this letter.

The purpose of this zoning application is to have Ordinance No. 980709-I amended by revising the development plan set forth in Exhibit C to said ordinance. The new proposed development, which maintains the number of structures at 4, is as follows:

Land Uses	Building Square Footage	Height	Stories
Office Building 1	80,000	54'	3 stories
Office Building 2	105,000	68'	4 stories
Office Building 3	210,000	127'	7 stories
Hotel (230 rooms)	201,000	117'	10 stories
Total	596,000 sq. ft.		

The reasons for these revisions are as follows:

1. Office Building 1 and Office Building 2 have switched locations with each other but otherwise basically remain the same except for a slight increase in height.
2. Office Building 3 has changed from 8 to 7 stories.

Alice Glasco
August 30, 2000
Page 3

3. The original hotel company (Wyndham), for business reasons, decided not to proceed. The new hotel company (Hilton), has its own building style, layout, size and hotel concept which has resulted in a larger hotel.

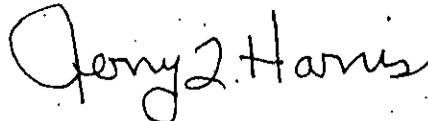
A large copy of the existing Exhibit C which is attached to Ordinance No. 980709-I is attached to this letter along with a copy of the proposed new Exhibit C.

This project is subject to a Shared Parking Plan and a copy of John F. Hickman and Associates' Shared Parking Update is attached to this letter.

At the time of the 1985 and 1998 zoning cases the property had not been finally platted. The property has now been platted and its legal description is: Lots 1, 2, and 3, Block A, Braker Pointe Subdivision, Plat Book 101, Page 326 and 327, Plat Records of Travis County, Texas. The City's file number for the Braker Pointe Subdivision is C8-97-0175.0A.

If you have any questions or need any additional information, please let me know.

Yours very truly,



Jerry L. Harris

Enclosures

AUS:1827144.1
36503.1

ORDINANCE NO. 980709-I

AN ORDINANCE AMENDING ORDINANCE NO. 850912-R TO DELETE THE PLANNED DEVELOPMENT AREA SITE PLAN FOR APPROXIMATELY 26 ACRES OF LAND FOR BRAKER POINTE PROJECT, LOCALLY KNOWN AS 10701 NORTH MO-PAC EXPRESSWAY NORTHBOUND, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO REZONE THE 26 ACRES OF LAND AND CHANGE THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council finds that :

1. Ordinance No. 850912-R rezoned the property described in Zoning File No. C14-84-376, consisting of approximately 26 acres of land located at 10701 North Mo-Pac Expressway Northbound (the "Property") and required that development of the Property conform with the site development standards set forth in the Planned Development Area site plan attached to the ordinance.

2. Subsection 4 of Part 2 of Ordinance No. 850912-R was amended by Ordinance No. 850926-P.

3. The owner of the Property has requested that Council delete the site plan for the Property and rezone the Property from "LI-PDA" Limited Industrial Services district-Planned Development Area combining district to "LI-PDA" Limited Industrial Services district-Planned Development Area combining district subject to the conditions described in Part 4 below.

4. Granting this request is appropriate and in the public interest.

PART 2. Part 3 of Ordinance No. 850912-R is amended to delete the site plan for the Property.

PART 3. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LI-PDA" Limited Industrial Services district-Planned Development Area combining district to "LI-PDA" Limited Industrial Services district-

Planned Development Area combining district on the Property described in file C14-84-376, as follows:

26. 407 acre tract of land, more or less, being a portion of that certain 127.32 acre tract conveyed to Doris Jean Smith Umstatted and Charles Aubrey Smith, Jr., by deed recorded in Volume 3269, Page 1637, of the Deed Records of Travis County, Texas said 127.32 acre being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" of this ordinance,

locally known as 10701 North Mo-Pac Expressway Northbound, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 4. The Property within the boundaries of the Planned Development Area combining district established by this ordinance is subject to the following conditions:

1. Except as provided in Section 2 of this part, development of the property shall conform to all applicable site development and use regulations established for the "LP" Limited Industrial Services base district and other applicable requirements of the Land Development Code.

2. Development of the Property shall conform to the site development standards set forth in Exhibit "C" of this ordinance.

3. Site plans for development of the Property shall be administratively processed in accordance with the site plan review procedure set forth in Section 13-1-600 of the Land Development Code.

PART 5. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on July 20, 1998.

PASSED AND APPROVED

July 9, 1998.

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

Betty G. Brown

Betty G. Brown
Deputy City Clerk

EXHIBIT "A"

Field notes for
Braker Pointe

26. 407 acre tract of land, more or less, being a portion of that certain 127.32 acre tract conveyed to Doris Joan Smith Umstadd and Charles Aubrey Smith, Jr., by deed recorded in Volume 3269, Page 1637, of the Deed Records of Travis County, Texas said 127.32 acre being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found in the easterly line of Calle Verde Drive, a dedicated roadway in the City of Austin, Travis County, Texas;

THENCE, the following six courses to an iron pin set for the most northwest corner of the herein described tract and the Point of Beginning:

1. S 60 deg. 27' 40" E, 168.64 feet to an iron pin set.
2. S 60 deg. 10' 18" W, 51.11 feet to an iron pin set,
3. S 60 deg. 08' 14" E, 18.12 feet to an iron pin set.
4. S 60 deg. 44' 45" E, 176.36 feet to an iron pin set,
5. S 60 deg. 44' 45" E, 5.33 feet to an iron pin found,
6. S 60 deg. 39' 27" E, 240.25 feet;

THENCE, along a curve to the left for westerly line of the herein described tract, the following elements to an iron pin set for an angle point: $R = 4553.662$ feet, $I = 18 \text{ deg. } 29' 56''$, $A = 1470.23$ feet and whose chord bears S 25 deg. 14' 56" W, 1463.85 feet;

THENCE, S 01 deg. 45' 50" W, 197.25 feet to an iron pin set;

THENCE, S 41 deg. 16' 29" E, 77.81 feet to an iron pin set;

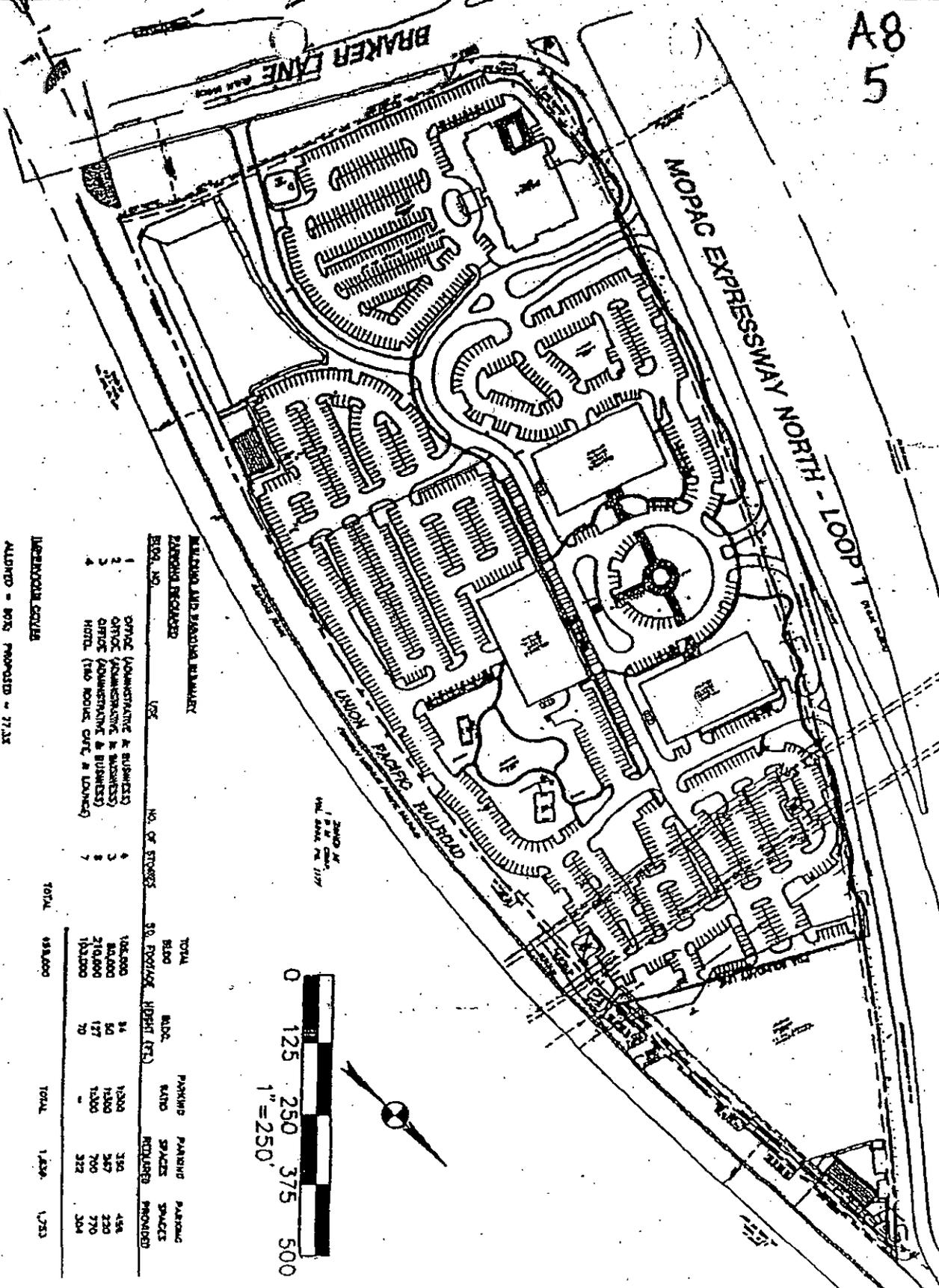
THENCE, along the south line herein following two courses to an iron pin set in the westerly right-of-way line of the Missouri Pacific Railroad for the southeast corner:

1. S 70 deg. 16' 15" E, 556.74 feet to an iron pin set,
2. S 60 deg. 33' 08" E, 98.85 feet;

THENCE, along said right-of-way line N 20 deg. 08' 37" E, 325.19 feet to an iron pin set for the POINT OF CURVATURE of a curve to the left;

THENCE, along a curve to the left in said right-of-way line the following elements to an iron pin found for the northwest corner of the herein described tract: R= 4051.93 feet, I = 18 deg. 41' 04", A = 1321.36 feet, and whose chord bears N 10 deg. 46' 01" E, 1315.51 feet;

THENCE, with the north line herein, N 60 deg. 39' 27" W, 445.94 feet to the POINT OF BEGINNING, containing 26.407 acres, more or less.



BLDG. NO.	USE	NO. OF STORIES	TOTAL BLDG. SQ. FT.	PARKING SPACES PROVIDED
1	OFFICE (ADMINISTRATIVE & BUSINESS)	4	168,000	350
2	OFFICE (ADMINISTRATIVE & BUSINESS)	3	80,000	247
3	OFFICE (ADMINISTRATIVE & BUSINESS)	3	210,000	700
4	HOTEL (150 ROOMS, CONF. & LOUNGE)	7	103,000	322
TOTAL			561,000	1,619

LIBRARY/CIVIC CENTER
 ALLIRED - 80% PROPOSED - 77.3%

PLAN
 PROPOSED ALLIRED - 6.5% PROPOSED - 6.1%

WATER/CANALS
 PROPOSED - 6.1%

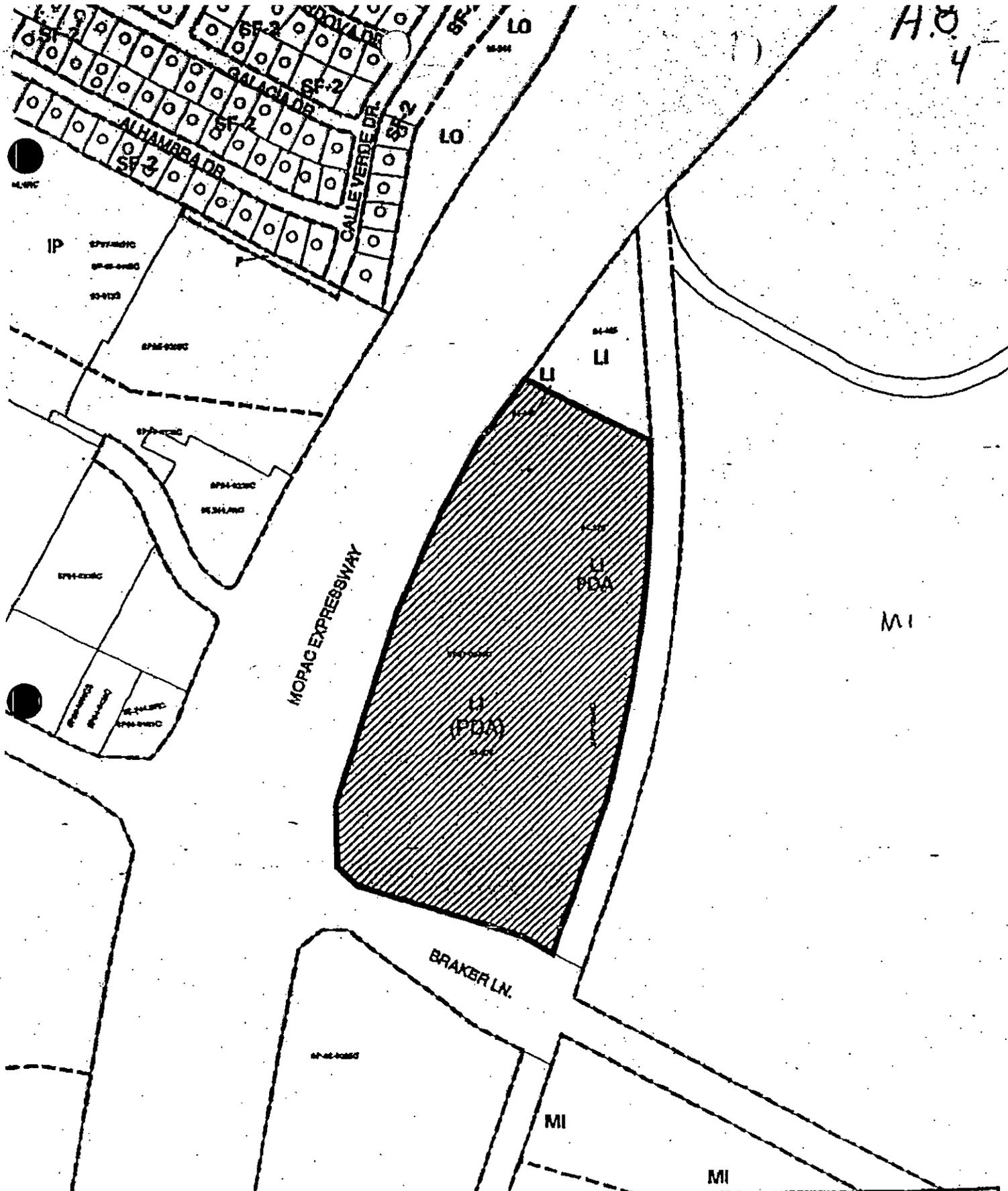
Bury+Pittman
 Consulting Engineers and Surveyors
 Austin, Texas Tel 512/328-0011 Fax 512/328-0225
 ©Copyright 1998 Bury+Pittman, Inc.

**BRAKER POINTE
 MOPAC AT BRAKER LANE**

CARRAMERICA REALTY CORPORATION

EXHIBIT "C"
 ORDINANCE NO. 850912-R
 AND 860926-P

H.8
4



<p>  SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: D.PERRYMAN </p>	<p style="text-align: center;"> PDA SITE PLAN AMENDMENT <i>EXHIBIT "B"</i> </p> <p> CASE #: C14-84-376 ADDRESS: 10701 NB MOPAC EXPRESSWAY SUBJECT AREA (acres): 26.800 </p> <p style="text-align: right;"> DATE: 98-05 INTLS: TRC </p>	<p> CITY GRID REFERENCE NUMBER K33 </p>
--	--	--

ORDINANCE NO. 85 0912-R

AMENDED BY ORDINANCE NO. 85 0926-P

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

26.407 ACRE TRACT OF LAND BEING A PORTION OF THAT CERTAIN 127.32 ACRE TRACT CONVEYED TO DORIS JEAN SMITH UMSTATTD AND CHARLES AUBREY SMITH, JR. BY DEED RECORDED IN VOLUME 3269, PAGE 1637 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, LOCALLY KNOWN AS PROPOSED MOPAC AND BRAKER LANE EXTENSION, FROM INTERIM SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "PDA" PLANNED DEVELOPMENT AREA COMBINING DISTRICT IN COMBINATION WITH "LI" LIGHT INDUSTRIAL SERVICES, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ESTABLISHING MODIFICATIONS TO OTHERWISE APPLICABLE BASE DISTRICT REGULATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "SF-2" Single Family Residence (Standard Lot) to "PDA" Planned Development Area Combining District in combination with "LI" Light Industrial Services on the property described in File C14-84-376, to-wit:

That certain 26.407 acre tract of land being a portion of that certain 127.32 acre tract conveyed to Doris Jean Smith Umstattd and Charles Aubrey Smith, Jr. by deed recorded in Volume 3269, Page 1637 of the Deed Records of Travis County, Texas; said 127.32 acres being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found in the easterly line of Calle Verde Drive, a dedicated roadway in the City of Austin, Travis County, Texas;

THENCE, the following six (6) courses to an iron pin set for the most northwest corner of the herein described tract and the Point of Beginning;

1. S 60° 27' 40" E, 168.64 feet to an iron pin set,
2. S 60° 10' 18" W, 51.11 feet to an iron pin set,
3. S 60° 08' 14" E, 18.12 feet to an iron pin set,
4. S 60° 44' 45" E, 176.36 feet to an iron pin set,
5. S 60° 44' 45" E, 5.33 feet to an iron pin found,
6. S 60° 39' 27" E, 240.25 feet;

THENCE, along a curve to the left for westerly line of the herein described tract, the following elements to an iron pin set for an angle point: R = 4553.662 feet, I = 18° 29' 56", A = 1470.23 feet and whose chord bears S 25° 14' 56" W, 1463.85 feet;

THENCE, S 01° 45' 50" W, 197.25 feet to an iron pin set;

THENCE, S 41° 16' 29" E, 77.81 feet to an iron pin set;

THENCE, along the south line herein following two (2) courses to an iron pin set in the westerly right-of-way line of the Missouri Pacific Railroad for the southeast corner:

1. S 70° 16' 15" E, 556.74 feet to an iron pin set,
2. S 60° 33' 08" E, 98.85 feet;

THENCE, along said right-of-way line N 20° 08' 37" E, 325.19 feet to an iron pin set for the POINT OF CURVATURE of a curve to the left;

THENCE, along a curve to the left in said right-of-way line the following elements to an iron pin found for the northwest corner of the herein described tract: R=4051.93 feet, I = 18° 41' 04", A - 1321.36 feet, and whose chord bears N 10° 46' 01" E, 1315.51 feet;

THENCE, with the north line herein, N 60° 39' 27" W, 445.94 feet to the POINT OF BEGINNING, containing 26.407 acres,

locally known as proposed MoPac and Braker Lane Extension in the City of Austin, Travis County, Texas, and hereinafter referred to in this ordinance as the "Property."

PART 2. The development, use and occupancy of the Property shall be subject to the following modifications established pursuant to Section 13-2A-2833 of the Austin City Code of 1981, as follows:

(1) Except as and to the extent provided herein, the regulations of the "LI" Limited Industrial Services base district under and pursuant to Sections 13-2A-2650 through 13-2A-2654 shall be applicable to the Property.

(2) Section 13-2A-2652 is hereby modified to add the following as additional permitted Civic uses on the Property:

- a. Convalescent Services
- b. Guidance Services
- c. Hospital Services (Limited)
- d. Hospital Services (General)

In addition, uses incidental and accessory to permitted uses on the Property, including without limitation, food service facilities, meeting and training facilities, health and recreational facilities, storage facilities and areas, maintenance facilities and areas, treatment

facilities, control devices, equipment and areas, cooling towers, mechanical and electrical utility and/or communications equipment, facilities and areas, electrical transformers and substations, and utility centers, shall be permitted.

(3) Section 13-2A-2653 is hereby modified to add the following as an additional conditional Commercial use on the Property, subject to approval as provided by Section 13-2A-6200:

a. Cocktail Lounge

(4) The site development regulations otherwise applicable to this Property in the "LI" Limited Industrial Services base district are hereby modified to permit development of a minimum of 660,000 square feet of building area and at least one nine (9) story building generally in accordance with the conceptual site plan attached to this ordinance as Exhibit "A"; provided, however, that no building permit to construct any building on the Property shall be issued until such time as the City Council has approved a site plan processed in accordance with the Site Plan Review Procedure set forth beginning at Section 13-2A-6100.

PART 3. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 4. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned Interim "AA" Residence, First Height and Area District, and the applicant sought rezoning to "D" Industrial, Third Height and Area District. Notwithstanding the rezoning herein to "LI" Light Industrial Services, the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "D" Industrial, Third Height and Area District, in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 5. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

September 12, 1985

§
§
§
§

John Trevino
~~Frank G. Cooksey~~ *John Trevino*
Mayor *Pro Tem*

APPROVED: *Paul C. Isham*
Paul C. Isham
City Attorney

ATTEST: *James E. Aldridge*
James E. Aldridge
City Clerk

AFM:saf

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Lorna Woessner

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

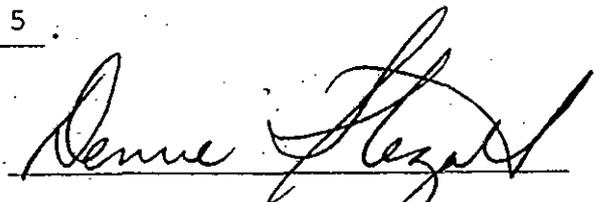
October 18th, 1985

and that the attached is a true copy of said advertisement.



SWORN AND SUBSCRIBED TO BEFORE ME, this the 18th

Day of October A.D. 198 5



Notary Public in and for
TRAVIS COUNTY, TEXAS

Denise Stegall

(Type or Print Name)

3/3/86

(My Commission Expires:)

ORDINANCE NO. 85012-R
AN ORDINANCE ESTABLISHING
INITIAL PERMANENT ZONING
AND CHANGING THE ZONING
MAP ACCOMPANYING CHAPTER
13-2A OF THE AUSTIN CITY CODE
OF 1981 AS FOLLOWS: 26.07 ACRE
TRACT OF LAND BEING A PORTION
OF THAT CERTAIN 127.33
ACRE TRACT CONVEYED TO DO-
RIS JEAN SMITH UMSTATTD AND
CHARLES AUBREY SMITH, JR. BY
DEED RECORDED IN VOLUME
3287 PAGE 1477 OF THE DEED
RECORDS OF TRAVIS COUNTY,
TEXAS, LOCALLY KNOWN AS
PROPOSED MOPAC AND BRAKER
LANE EXTENSION, FROM INTER-
IM SF-2" SINGLE FAMILY RESI-
DENCE (STANDAR LOT) TO
"PDA" PLANNED DEVELOP-
MENT AREA COMBINING DIS-
TRICT IN COMBINATION WITH
"LI" LIGHT INDUSTRIAL SER-
VICES, SAID PROPERTY BEING
LOCATED IN AUSTIN, TRAVIS
COUNTY, TEXAS; ESTABLISHING
MODIFICATIONS TO OTHERWISE
APPLICABLE BASE DISTRICT
REGULATIONS; SUSPENDING
THE RULE REQUIRING THE
READING OF ORDINANCES ON
THREE SEPARATE DAYS; AND
DECLARING AN EMERGENCY.

Mayor Frank C. Cooksey
Austin, Texas

ORDINANCE NO. 850926-P

AN ORDINANCE AMENDING ORDINANCE NO 850912-R, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 12, 1985, BY CORRECTING SUBSECTION (4) OF PART 2 OF SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That subsection (4) of PART 2 of Ordinance No. 850912-R, Zoning Case No. C14-84-376, enacted by the City Council on September 12, 1985, be, and hereby is, amended to read as follows:

(4) The base district regulations otherwise applicable to this Property in the "LI" Limited Industrial Services District, including the height, floor area ratio, setback, building coverage and impervious coverage regulations of Section 13-2A-2654; the off-street parking and loading regulations of Section 13-2A-5700, et seq, and the landscaping and screening regulations of Section 13-2A-5600, et seq and of Section 13-2A-5110 are hereby modified to the extent necessary to permit development of a minimum of 660,000 square feet of gross floor area and at least one nine (9) story building generally in accordance with the conceptual site plan attached to this ordinance as Exhibit "A"; provided, however, that no building permit to construct any building on the Property shall be issued until such time as a detailed site plan has been processed in accordance with the Site Plan Review Procedure set forth beginning at Section 13-2A-6100 and such site plan has been approved by the City Council, which approval shall not be unreasonably withheld; provided further, that nothing herein regarding site plan approval shall be construed to mean that development may be restricted to less than 660,000 square feet of gross floor area or to prohibit the construction of at least one nine (9) story building. It is understood that each story of such nine (9) story building, in accordance with standard accepted building practices, will be approximately twelve (12) feet in height.

PART 2. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and

this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

§
§
§
§

September 26, 1985

Frank C. Cooksey
Frank C. Cooksey
Mayor

APPROVED: *Paul C. Isham*
Paul C. Isham
City Attorney

ATTEST: *James E. Aldridge*
James E. Aldridge
City Clerk

AFM:saf

Brown McCarroll & Oaks Hartline, L.L.P.

ATTORNEYS AT LAW

111 Congress Avenue, Suite 1400, Austin, TX 78701-4043

Phone 512-472-5456 • Fax 512-479-1101

September 19, 2000

Writer's Direct Number:

(512) 479-9710

VIA HAND DELIVERY

Antonio Gonzales
Development Review & Inspection Department
505 Barton Springs Rd.
4th Floor
Austin, TX 78704

Environmental -
Tract 1 LI PDA - LI PDA
Tract 2 LI PDA
same accept

RE: C-14-00-2177/Braker Pointe Zoning Application/LI-PDA to LI-PDA

Dear Antonio:

→ exhibit
Fekken's
survey

In connection with this zoning application I am providing to you the updated chart for the new proposed development as follows:

Land Uses	Building Square Footage	Height	Stories
Office Building 1	80,000	59'	3 stories
Office Building 2	106,000	73'	4 stories
Office Building 3	209,000	127'	7 stories
Hotel (230 rooms)	201,000	117'	10 stories
Total	596,000 sq. ft.		

In addition, I am enclosing the following:

1. The building height elevation exhibit which I spoke to you about on the phone (large and small copy).
2. The revised large copy of the new proposed Exhibit C.

If you have any questions or need any additional information, please let me know.

Yours very truly,

Jerry L. Harris
Jerry L. Harris

Enclosures

AUS:1829958.1
36503.1

Alice Glasco Consulting

5117 Valburn Court, Suite A
Austin, TX 78731
aliceglasco@mindspring.com
512-231-8110 • 512-857-0187 Fax

April 6, 2006
Updated: May 15, 2006

Jorge, Rousselin, Planner
Neighborhood Planning and Zoning Department
505 Barton Springs Road, Suite 500
Austin, Texas 78704

RE: Braker Pointe Whole Foods Market Rezoning - 10701 N. Mo-Pac Expressway

Dear Jorge:

Thank you for meeting with me on May 11th. At our meeting, I gave you a new copy of the revised site development standards for Braker Pointe. The purpose of this rezoning application is to amend ordinance number 001130-97 by revising the site development standards table, which was attached to the zoning ordinance as Exhibit C. The proposed revision simply modifies all the site development standards assigned to building number 4, which was a 10-story hotel consisting of 201,000 square feet. The proposed use is a 69,000-square foot grocery store, namely Whole Foods Market.

Therefore, I am requesting a rezoning from LI-PDA to LI-PDA in order to modify a condition of zoning as reflected in the attached, revised exhibit.

If you have any questions or need additional information, please let me know.

Sincerely,



Alice Glasco

Cc: Bradley Schlosser, Schlosser Development
David Vitanza, Schlosser Development
Lisa Rose, Schlosser Development
Jerry Rusthoven, Zoning Division Manager

Attachments

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING ORDINANCE NO. 001130-97 TO REZONE AND
2 CHANGE THE ZONING MAP FROM LIMITED INDUSTRIAL SERVICES-
3 PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT TO
4 LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-
5 PDA) COMBINING DISTRICT FOR LAND KNOWN AS THE BRAKER POINTE
6 WHOLE FOODS MARKET PROJECT LOCATED AT 10701 NORTH MOPAC
7 EXPRESSWAY.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. The Braker Pointe Planned Development Area (the "Original PDA") is
12 comprised of approximately 26.5 acres of land located at 10701, 10801, and 11101 North
13 MoPac Expressway in Travis County (the "Original Property") and more particularly
14 described in Ordinance No. 001130-97. The Original PDA was approved September 12,
15 1985 under Ordinance No. 850912-R, amended by Ordinance No. 850926-P, and
16 Ordinance No. 980709-I under Zoning Case No. C14-84-376. On November 30, 2000, the
17 Original Property was rezoned under Zoning Case No. C14H-00-2177 by Ordinance No.
18 001130-97 (the "LI-PDA Ordinance").

19
20 PART 2. As set forth in the LI-PDA Ordinance, the site development standards in Exhibit
21 C attached to the ordinance applied to the property identified as Tract One in the
22 ordinance.

23
24 PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to
25 change the base district from limited industrial services-planned development area (LI-
26 PDA) combining district to limited industrial services-planned development area (LI-PDA)
27 combining district on the property described in Zoning Case No. C14-06-0077, on file at
28 the Neighborhood Planning and Zoning Department, as follows:

29
30 Lot 1, Block A, Braker Pointe Subdivision, a subdivision in the City of Austin,
31 Travis County, Texas, according to the map or plat of record in Plat Book 101,
32 Pages 336-337, of the Plat Records of Travis County, Texas (the "Property"),
33

34 locally known as 10701 North MoPac Expressway, in the City of Austin, Travis County,
35 Texas, and generally identified in the map attached as Exhibit A.
36

2 **PART 4.** Part 2 of Ordinance No. 001130-97 is amended to replace Exhibit C with a new
3 exhibit identified as Exhibit B attached and incorporated into this ordinance and to modify
4 the site development standards for the Property that includes Building 4 as shown in the
5 attached Exhibit B.

6 **PART 5.** Except as otherwise provided in this ordinance, the terms and conditions set
7 forth in Ordinance No. 001130-97 remain in effect.

8
9 **PART 6.** This ordinance takes effect on _____, 2006.

10
11
12 **PASSED AND APPROVED**

13
14
15 _____, 2006

§
§
§

16
17 _____
18 Will Wynn
19 Mayor

20
21 **APPROVED:** _____

22 David Allan Smith
23 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

SS-244.4RC

MI-PDA

A19
4

IP

EP97-0231C
EP-96-0495C
SS-0123

EP95-0305C

MO-PAC EXPRESSWAY NORTH

LI

SS-244.11R.C

LI

EP-99-2027C

EP-97-0418C

EP97-0225C

EP94-0335C

SS-244.4RC

LI

D14H-00-2177

D14H-00-2177

LI-PDA-H

LI-PDA

EP94-0335C

SS-244.BRD
EP90-0181C

SS-244.BRD
EP90-0181C

STONE LAKE BOULEVARD

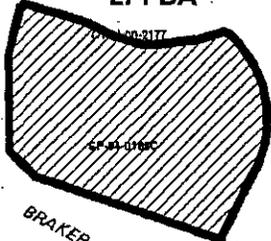
MISSOURI PACIFIC RAILROAD

LI-PDA

D4-161

MI-PDA

D3-0016



BRAKER LANE

IP

MO-PAC EXPRESSWAY NORTH

EP-96-0065C

MI

BRAKER LANE

D4-0146

CH

MI

SS-244

75-127



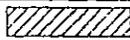
1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: J. ROUSSELIN



CASE #: C14-06-0077

ADDRESS: 10701 N MOPAC EXPY

SUBJECT AREA (acres): 4.332

ZONING EXHIBIT A

DATE: 06-04

INTLS: SM

CITY GRID
REFERENCE
NUMBER

J33

